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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,027	09/24/2003	Michael C. Centers	TITUS-P001	7847
7590 04/07/2005 Fernandez & Associates, LLP PO BOX D Menlo Park, CA 94026-6402			EXAMINER MILLER, JONATHAN R	
			ART UNIT 3653	PAPER NUMBER
DATE MAILED: 04/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,027

Applicant(s)

CENTERS ET AL.

Examiner

Jonathan R. Miller

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09242003.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on page 8, line 16, there should be a space between “206” and “and”..

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 – 5 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 has the phrase “news screen fines”. This phrase is unclear and not defined in the specification. Additionally, the phrase “said second screen is smaller than one inch” renders the claim indefinite. The screen is not smaller than one inch, but rather the openings of the screen are smaller than one inch.
4. Claims 4 and 10 have two distinct air streams (inflow and outflow) designated by the same terms, thus rendering the claims indefinite.

Claim Objections

5. Claim 8 is objected to because of the following informalities: a space is required between “0.1” and “inches”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1- 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Mueller. The reference discloses a first vibrating screen of first size, and a second vibrating screen of second size, and wherein said second screen is smaller than one inch (col. 5, lines 1+). The reference is directed to sorting and cleaning grits (col. 1, lines 1+). Examiner contends that this inherently teaches screen sizes claimed.

8. With regards to claim 2, the reference further inherently discloses said first vibrating screen is larger than two feet in width.

9. With regards to claim 3, the reference further inherently discloses said first vibrating screen classifies to less than 3.5 inches. The reference is directed to sorting and cleaning grits (col. 1, lines 1+). Examiner contends that this inherently teaches screen sizes claimed.

10. With regards to claim 4, the reference further discloses an adjustable pneumatic separator comprised of an air stream flowing up from below, and an air stream being exhausted from above, and the pneumatic separator is about the same physical dimension as said second vibrating screen (col. 1, lines 1+).

11. With regards to claim 5, the reference further inherently discloses said pneumatic separator classifies material larger than about 0.1 inches and less than about 3.5 inches. The reference is directed to sorting and cleaning grits (col. 1, lines 1+). Examiner contends that this inherently teaches screen sizes claimed.

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12. With regards to claim 6, the reference further discloses starting with compressed material no larger than about 6 inches, and classifying to first size, and classifying to a second size, and wherein the second size is less than about one inch (col. 5, lines 1+).

13. With regards to claim 7, the reference further discloses pneumatic separation comprised of an air stream flowing up from below, and an air stream being exhausted from above, and comprising means for the operator to adjust the quantity of the air from below and the quantity of exhaust air (col. 1, lines 1+).

14. With regards to claim 8, the reference further discloses said pneumatic separator classifies material larger than about 0.1 inches and less than about 3.5 inches into a heavy portion and a light portion. The reference is directed to sorting and cleaning grits (col. 1, lines 1+).

Examiner contends that this inherently teaches screen sizes claimed.

15. Claims 1- 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirschler et al. The reference discloses a first vibrating screen of first size, and a second vibrating screen of second size, and wherein said second screen is smaller than one inch (col. 9, lines 23+). The reference expressly states that the choice of screen sizes is dependant upon the material to be screened (col. 15, lines 25+).

16. With regards to claim 2, the reference further inherently discloses said first vibrating screen is larger than two feet in width (Fig. 1).

17. With regards to claim 3, the reference further discloses said first vibrating screen classifies to less than 3.5 inches (col. 15, lines 52+). The reference expressly states that the choice of screen sizes is dependant upon the material to be screened (col. 15, lines 25+).

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18. With regards to claim 4, the reference further discloses an adjustable pneumatic separator comprised of an air stream flowing up from below, and an air stream being exhausted from above, and the pneumatic separator is about the same physical dimension as said second vibrating screen (col 1, lines 40+).

19. With regards to claim 5, the reference further discloses said pneumatic separator classifies material larger than about 0.1 inches and less than about 3.5 inches (col. 15, lines 25+; col. 15, lines 52+).

20. With regards to claim 6, the reference further discloses starting with compressed material no larger than about 6 inches, and classifying to first size, and classifying to a second size, and wherein the second size is less than about one inch (col. 15, lines 25+; col. 15, lines 52+).

21. With regards to claim 7, the reference further discloses pneumatic separation comprised of an air stream flowing up from below, and an air stream being exhausted from above, and comprising means for the operator to adjust the quantity of the air from below and the quantity of exhaust air (col 1, lines 40+).

22. With regards to claim 8, the reference further discloses said pneumatic separator classifies material larger than about 0.1 inches and less than about 3.5 inches into a heavy portion and a light portion (col. 15, lines 25+; col. 15, lines 52+).

Allowable Subject Matter

23. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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24. Claim 10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion


25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R. Miller whose telephone number is (703) 305-5778. The examiner can normally be reached on M-F: 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703) 306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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